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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,363	03/23/2004	Graciela Beatriz Blanchet-Fincher	CL2328 US NA	3947
23906	7590	12/13/2005	EXAMINER	
E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1128 4417 LANCASTER PIKE WILMINGTON, DE 19805			WALKE, AMANDA C	
		ART UNIT		PAPER NUMBER
		1752		
DATE MAILED: 12/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/807,363	BLANCHET-FINCHER, GRACIELA BEATRIZ	
	<b>Examiner</b>	<b>Art Unit</b>	
	Amanda C. Walke	1752	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 27 September 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 and 8-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Blanchet-Fincher (6,143,451).

Blanchet-Fincher disclose an improved processes for laser thermal imaging and imaged laserable assemblages obtained using the improved processes of this invention are described. These improved processes operate effectively at high speeds and also afford high image densities and good durability of images present on receiver elements upon thermal imaging done in accordance with these improved processes. The invention of the reference is a laser-induced, thermal transfer process which comprises:

(1) imagewise exposing to laser radiation a laserable assemblage comprising:

(A) a donor element comprising in the order listed:

(a) a support;

(b) at least one ejection layer comprising a first polymer;

(c) at least one heating layer; and

(d) at least one transfer layer having an outer surface and comprising (i) a second polymer having a decomposition temperature  $T < 350\text{.degree. C.}$  and (ii) an imageable component;

(B) a receiver element in contact with the outer surface of the transfer layer (d) of the donor element,

wherein the imagewise exposing to laser radiation is effected at a laser fluence of less than or equal to approximately  $440 \text{ mJ/cm.sup.2}$ , in which a substantial portion of the transfer layer is transferred to the receiver element; and

(2) separating the donor element from the receiver element.

The flexible ejection layer is, in the preferred embodiment, the first of the three functional layers. This layer provides the force to effect transfer of the imageable component to the receiver element. When heated, this layer decomposes into gaseous molecules providing the necessary pressure to propel or eject the imageable component onto the receiver element. This is accomplished by using a polymer having a relatively low decomposition temperature (less than about  $350\text{.degree. C.}$ , preferably less than about  $325\text{.degree. C.}$ , and more preferably less than about  $280\text{.degree. C.}$ ). In the case of polymers having more than one decomposition temperature, the first decomposition temperature should be lower than  $350\text{.degree. C.}$  Furthermore, in order for the ejection layer to have suitably high flexibility and conformability, it should have a tensile modulus that is less than or equal to 2.5 Gigapascals (GPa), preferably less than 1.5 GPa, and more preferably less than 1 Gigapascal (GPa). The polymer chosen should also be one that is dimensionally stable. If the laserable assemblage is imaged through the donor flexible ejection layer, the flexible ejection layer should be capable of transmitting the laser radiation, and not be adversely affected by this radiation. Examples of suitable polymers include (a) polycarbonates having low decomposition temperatures ( $T_d$ ), such as polypropylene carbonate; (b) substituted styrene polymers having low decomposition temperatures, such as poly(alpha-methylstyrene);

(c) polyacrylate and polymethacrylate esters, such as polymethylmethacrylate and polybutylmethacrylate; (d) cellulosic materials having low decomposition temperatures (Td), such as cellulose acetate butyrate and nitrocellulose; and (e) other polymers such as polyvinyl chloride; poly(chlorovinyl chloride) polyacetals; polyvinylidene chloride; polyurethanes with low Td; polyesters; polyorthoesters; acrylonitrile and substituted acrylonitrile polymers; maleic acid resins; and copolymers of the above. Mixtures of polymers can also be used. Additional examples of polymers having low decomposition temperatures can be found in Foley et al., U.S. Pat. No. 5,156,938. These include polymers which undergo acid-catalyzed decomposition. For these polymers, it is frequently desirable to include one or more hydrogen donors with the polymer. When the absorbing dye is incorporated in the ejection layer, its function is to absorb the incident radiation and convert this into heat, leading to more efficient heating. It is preferred that the dye absorb in the infrared region. For imaging applications, it is also preferred that the dye have very low absorption in the visible region. Examples of suitable infrared absorbing dyes which can be used alone or in combination include poly(substituted) phthalocyanine compounds and metal-containing phthalocyanine compounds; cyanine dyes; squarylium dyes; chalcogenopyryioacrylidene dyes; croconium dyes; metal thiolate dyes; bis(chalcogenopyrylo) polymethine dyes; oxyindolizine dyes; bis(aminoaryl) polymethine dyes; merocyanine dyes; and quinoid dyes. Preferred polymers for the transfer layer are (meth)acrylic polymers, including, but not limited to, acrylate homopolymers and copolymers, methacrylate homopolymers and copolymers, (meth)acrylate block copolymers, and (meth)acrylate copolymers containing other comonomer types, such as styrene.

Given the teachings of the reference, the instant claims are anticipated by the reference.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blanchet-Fincher in view of Fincher et al (6,818,363).

Blanchet-Fincher has been discussed above, but fails to specify the type of IR dye added to the ejection layer.

Fincher et al disclose a thermally imageable material comprising multiple colorants that are conventional in IR polymeric compositions. These colorants include Some useful solvent soluble dyes include 3-H-Indolium, 2-[2-chloro-3-dihydro-1,3,3-trimethyl-2H-indol-2-ylidene)ethylidene]-1- cyclopenten-1-yl]ethyenyl]-1,3,3-trimethyl-, salt with trifluoromethane sulfonic acid, but additional counterions include bromide, chloride, perchlorate and "Tosylate", a contraction for "para-Toluenesulfonate", the anion formed by neutralizing para-toluenesulfonic acid with base. Tosylate is an organic soluble, inert anion which functions similarly to anions like chloride, bromide, etc.

Given the teachings of the reference, it would have been obvious to one of ordinary skill in the art to prepare the material of Blanchet-Fincher, choosing to include 3-H-Indolium, 2-[2-chloro-3-dihydro-1,3,3-trimethyl-2H-indol-2-ylidene)ethylidene]-1- cyclopenten-1-yl]ethyenyl]-

1,3,3-trimethyl-, salt with perchlorate as the dye as taught by Fincher et al, with reasonable expectation of achieving a material having high image density and durability.

*Response to Arguments*

5. Applicant's arguments filed 9/27/2005 have been fully considered but they are not persuasive. Applicant has argued that the reference fails to teach the presence of the instantly claimed layers. The examiner has reconsidered the reference(s), but respectfully disagrees. The primary reference teaches the presence of multiple layers including an ejection layer comprising polymers meeting the instant claim limitations and an IR absorbing dye. Coating on the ejection layers are a heating layer (which may be an organic IR absorbing material similar to that of the ejection layer or an inorganic layer) and a transfer layer which comprise polymers meeting the instant claim limitations for those found in the instantly claimed protective layer. These layers are coating on the ejections layer and therefore either meets the limitation of a protective layer. Additionally, the receiver element comprises layers having the same materials as those instantly claimed as well. Therefore, the rejections of record are maintained.

*Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda C. Walke whose telephone number is 571-272-1337. The examiner can normally be reached on M-R 5:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Amanda C Walke  
Examiner  
Art Unit 1752

ACW  
December 9, 2005

  
AMANDA WALKE  
PRIMARY EXAMINER